

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRIAN MATTHEW TUCKER,

Plaintiff

v.

CARSON CITY SHERIFF'S OFFICE,

Defendant

Case No. 3:20-cv-00614-RCJ-CLB

**ORDER**

**I. DISCUSSION**

On October 30, 2020, Plaintiff, an inmate in the custody of the Carson City Sheriff's Department submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **December 2**,

1 **2020**. Absent unusual circumstances, the Court will not grant any further extensions of  
2 time.

3 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
4 with all three required documents or pay the full \$400 filing fee on or before **December**  
5 **2, 2020**, this case will be subject to dismissal without prejudice for Plaintiff to file a new  
6 case with the Court when Plaintiff is either able to acquire all three of the documents  
7 needed to file a fully complete application to proceed *in forma pauperis* or pays the full  
8 \$400 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
10 case with the Court, under a new case number, when Plaintiff has all three documents  
11 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
12 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
13 full filing fee of \$400 on or before **December 2, 2020** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
15 will not file the complaint unless and until Plaintiff timely files a fully complete application  
16 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
19 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
20 as the document entitled information and instructions for filing an *in forma pauperis*  
21 application.

22 IT IS FURTHER ORDERED that on or before **December 2, 2020**, Plaintiff will  
23 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and  
24 the \$50 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
26 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures  
27 on page 3),

28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
3 **previous six-month period.**

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
5 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
6 filing fee for a civil action on or before **December 2, 2020**, this case will be subject to  
7 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
8 number, when Plaintiff has all three documents needed to file a complete application to  
9 proceed *in forma pauperis* or pays the full \$400 filing fee.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
11 (ECF No.1-1) but will not file it at this time.

12 DATED: November 2, 2020

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14 UNITED STATES MAGISTRATE JUDGE  
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